

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DEBORAH R. COOKE and CHRISTINA M.
RODINO,

11 Civ. 0201 (AKH) (RLE)

Plaintiffs,

-against-

DB 85 GYM CORP. d/b/a DAVID BARTON GYM,
CV II GYM, LLC d/b/a DAVID BARTON GYM,
CV VI, LLC d/b/a DAVID BARTON GYM, DB
BROADWAY GYM CORP. d/b/a DAVID
BARTON GYM, KEVIN KAVANAUGH, and
CARL HELMLE, III,

Affidavit of Service

Defendants.

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STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

ANTONINO SCOTT, being duly sworn, deposes and says: I am not a party to this action, I am over 18 years of age and reside in Brooklyn, New York.

On the 13th day of January 2011, at 3:34 p.m., the deponent served the within **Summons and Complaint** at 50 West 23rd Street, 5th Floor, New York, New York on Kevin Kavanaugh by delivering a true copy to his actual place of business and leaving a copy thereof personally with Danny Kirkwood a person of suitable age and discretion, who was authorized and willing to receive same on behalf of Kevin Kavanaugh.

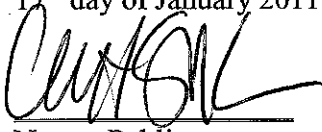
The person served is described as follows:

Gender:	Male
Skin color:	White
Height:	6"1'
Approximate age:	40
Weight:	195 pounds
Hair color:	Brown
Other:	Beard

In addition, I enclosed a copy of the **Summons and Complaint** in an envelope bearing the legend "personal and confidential" and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the defendant. Said envelope had first class postage prepaid and was properly addressed to the defendant, Kevin Kavanaugh, 50 West 23rd Street, 5th Floor, New York, New York, that address being defendant's actual place of business. Said envelope was deposited on the 17th day of January 2011, into a depository, maintained under the exclusive control of the United States Postal Service.


ANTONINO SCOTT

Sworn to before me this
17th day of January 2011


Notary Public

